

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

**WRIT PETITION NO.2157/2012**

PETITIONER :- Maharashtra State Electricity Transmission Co. Ltd. Through Madhao R. Pendor, Public Information Officer & GM (TE), Corporate Office, Mumbai, Plot No.C-19, E-Block, Prakashganga BKC, Mumbai.

...VERSUS...

RESPONDENTS :-

- 1) Sureshkumar Jaikrishna Patil, aged about 51 Yrs., Occu.: Service, R/o B-102, Classic Pawan Apartment, Near Priyadarshini T-Point, Hingna Road, Takali Sim, Nagpur 440031.
- 2) The State Information Commission, Nagpur Bench, New Administrative Building No.2, First Floor, In front of Z. P. Premises, Civil Lines, Nagpur.

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Shri D. M. Kale, counsel for the petitioner.  
Shri S. B. Wahane, counsel for the respondent No.1  
Shri A. B. Patil, counsel for respondent No.2.  
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**CORAM : SMT. VASANTI A. NAIK, J.**

**DATED : 20.10.2012**

**ORAL JUDGMENT**

Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned counsel for the parties.

By this petition, the petitioner impugns an order passed by the State Information Commissioner on 20/12/2011 partly allowing an

appeal filed by the respondent No.1 and directing the petitioner to supply the part of the information sought by the respondent No.1 in regard to the other employees working in the department.

On hearing the learned counsel for the parties and on a perusal of the provisions of Section 8(1)(j) of the Right to Information Act, 2005 as also an unreported judgment of the Hon'ble Supreme Court dated 03/10/2012 in *Special Leave Petition (Civil) No.27734/2012 (Girish Ramchandra Deshpande Vs. Central Information Commissioner & Ors.)*, it appears that the State Information Commissioner was not justified in directing the petitioner to supply the information sought by the respondent No.1. The respondent No.1, had by an application dated 06/06/2011, sought the annual confidential reports of ten employees working in the department of the petitioner and have also asked for annual performance appraisal reports for the relevant years. The respondents had asked for the documents relating to the job description of certain officers and the attested copies of representation, if any, for the up-gradation of incorrectly recorded "Very Good" annual confidential reports of nine employees. The respondent No.1 could not have asked for the information sought by the application dated 06/06/2011 in regard to the ten employees mentioned in the application.

The provisions of Section 8(1)(j) of the Act of 2005 reads as under -

**8. Exemption from disclosure of information**

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen, -

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

**Provided** that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

In the instant case the respondent No.1 had sought the personal information in regard to the ten employees, the disclosure of which had no relationship to any public activity or public interest. In a similar case the Hon'ble Supreme Court observed in the aforesaid unreported decision that the disclosure of such type would cause unwarranted invasion of privacy of the individual. In a given case the Central Public Information Officer or the appellate authority may direct that the said information be supplied only if the authority is satisfied that in larger public interest the information needs to be disclosed. In the instant case, the State Information Commissioner has not disclosed the larger public interest which necessitates the disclosure of the information by the respondent No.1. The respondent No.1 could not have sought the information sought by the application dated 06/06/2011, in view of the

provisions of Section 8(1)(j) of the Right to Information Act, 2005.

For the reasons aforesaid, the writ petition is allowed. The impugned order passed by the State Information Commissioner on 20/12/2011 is quashed and set aside.

Rule is made absolute in the aforesaid terms with no order as to costs.

**JUDGE**

KHUNTE